

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Jose Venue

Report on Person Under Supervision

Person Under Supervision

Demontae Terell Toliver

Docket Number

0971 5:14CR00051-002 RMW

Name of Sentencing Judge: The Honorable Ronald M. Whyte
Senior United States District Judge

This is being assigned to Your Honor as a duty matter

Date of Original Sentence: January 19, 2016

Original Offense

Count One: Use of Interstate Facilities to Transmit Information About a Minor; Aiding and Abetting, 18 U.S.C. § 2425, a Class C Felony.

Original Sentence: 60 months custody; seven years Supervised Release

Special Conditions: \$100 special assessment; drug testing and treatment; no alcohol; CIMP enrollment; no access to Internet without probation officer approval; computer search; no data encryption; employment must be approved by probation officer; residence must be approved by probation officer; register as a sex offender; no contact with victims; expanded search; no contact with co-defendant.

Prior Form(s) 12: None

Type of Supervision

Supervised Release

Assistant U.S. Attorney

Amie Rooney

Date Supervision Commenced

July 26, 2018

Defense Counsel

Jay Rorty (Appointed)

Petitioning the Court to Take Judicial Notice

Cause

Charge Number

Violation

One

There is probable cause to believe that the person under supervision violated special condition number four that he shall not access the Internet or any

“online computer service” at any location (including employment) without prior approval of the probation officer.

On or about November 11, 2019, Mr. Toliver accessed the Internet on a computer in the residence belonging to his grandmother. Despite instructions by the probation officer, the computer was not password protected to ensure that Mr. Toliver’s access was restricted. The computer was seized and examined; no additional violations were found. The computer has been returned to Mr. Toliver’s grandmother and now password protected.

This is evidenced by a chronological record of this case dated November 11, 2019.

Charge Number

Violation

Two

There is probable cause to believe that the offender violated a mandatory condition that he refrain from any unlawful use of a controlled substance.

Mr. Toliver submitted urine sample positive for marijuana on December 30, 2019.

This is evidenced by Alere Toxicology report number B04512740.

Charge Number

Violation

Three

There is probable cause to believe that the offender violated a special condition that he pay \$50 per month towards his restitution obligation, beginning 60 days after release.

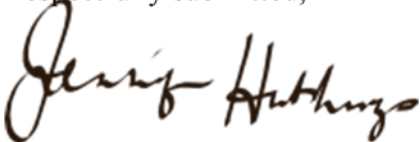
Mr. Toliver failed to make payments towards his court-ordered restitution from January 2019 to September 2019. When this officer began working with Mr. Toliver in October 2019, the issue was addressed immediately. Since that time, Mr. Toliver has made consistent monthly payments.

This is evidenced by Mr. Toliver’s payment history as maintained in OPERA.

Action Taken and Reason

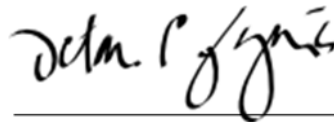
The above-mentioned violations have been addressed with Mr. Toliver. We respectfully ask that the Court take judicial notice and take no further action.

Respectfully submitted,



Jennifer Hutchings
U.S. Probation Officer Specialist
Date Signed: April 14, 2020

Reviewed by:



Octavio E. Magana
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☒ The Court concurs and takes judicial notice of the violations.
- ☐ Submit a request to modify supervision
- ☐ Submit a request for a warrant
- ☐ Submit a request for summons
- ☐ Other:

April 14, 2020

Date

/s/ Phyllis J. Hamilton

Phyllis J. Hamilton
Chief United States District Judge